

SENATE BILL REPORT

SB 5351

As Passed Senate, March 7, 2007

Title: An act relating to the court of appeals.

Brief Description: Changing travel reimbursement provisions affecting judges of the court of appeals.

Sponsors: Senators Kline and Spanel; by request of Court Of Appeals.

Brief History:

Committee Activity: Judiciary: 1/19/07 [DP, w/oRec].

Ways & Means: 2/07/06, 2/12/07 [DP].

Passed Senate: 3/07/07, 49-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; Carrell, Hargrove and Weinstein.

Minority Report: That it be referred without recommendation.

Signed by Senator Roach.

Staff: Lidia Mori (786-7755)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Carrell, Fairley, Hatfield, Hobbs, Honeyford, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Paula Moore (786-7449)

Background: The state Court of Appeals contains three divisions, each serving a defined geographic area of the state, headquartered in Seattle, Tacoma, and Spokane. Each of the divisions contains three distinct geographic districts, and a specific number of judges must be elected from each district. At the time of election, the judge must reside from that specific district and have lived there for at least a year.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Statute prevents Court of Appeals judges from receiving per diem or mileage for services performed at the judge's legal residence or the headquarters of the division of the court the judge serves.

Superior court judges serving a district comprising more than one county receive reimbursement for travel expenses in connection with business of the court. The travel includes going from the residence of the judge to the other county or counties in his or her district and the return trip.

District court judges, judges pro tempore, court commissioners, and district court employees receive reimbursement for reasonable traveling expenses when engaged in the business of the court.

A judge of the Court of Appeals or of the Superior Court serving as a judge pro tempore of the Supreme Court is entitled to receive reimbursement for travel required by the position.

Summary of Bill: Rules may be adopted by the Court of Appeals to provide reimbursement to a judge of the Court of Appeals for work-related travel expenses from the judge's customary residence to the division headquarters of the court and back. If the judge is elected from or residing in the county in which the division is headquartered, he or she is not eligible for reimbursement for work-related travel expenses.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Judiciary): PRO: There are currently nine Court of Appeal judges who reside in districts other than the one in which the court is situated. The Court of Appeals wants to work out further restrictions on what will be reimbursed. There is no fiscal note because no rule has been adopted yet. The fiscal Chairs of the Legislative committees were surprised to find out that judges of the Court of Appeals are not reimbursed for court-related travel expenses.

Persons Testifying (Judiciary): PRO: Marlin Appelwick, Court of Appeals Judge.

Staff Summary of Public Testimony (Ways & Means): PRO: Many of the judges serving the Court of Appeals are required to live in disparate divisions and are required to travel as part of their duties. As a result, several absorb significant out-of-pocket expenses. Unlike judges of every other court, Court of Appeals judges do not receive reimbursement for work-related expenses. The cost of implementing this bill could vary and is contingent on the type of reimbursement allowed. The Court of Appeals can draft the reimbursement rule so that the cost fits within the appropriation authorized by the Legislature.

Persons Testifying (Ways & Means): PRO: Senator Kline, prime sponsor; Chief Judge Marlon Appelwick, Court of Appeals, Division I.